

REMARKS/ARGUMENTS

Obviousness-type Double Patenting Claim Rejections


The Examiner has rejected claims 1-56 under the judiciously created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-44 of U.S. Patent No. 6,764,819 B2 (hereinafter "the '819 Patent"). In order to advance prosecution of the present application, Applicants have filed a terminal disclaimer to obviate this rejection. This filing is not an admission of the propriety of the rejection, and simply serves the function of removing the rejection.

Although the instant invention and the invention of the '819 Patent employ target molecules, in the instant case, the target molecules are polynucleotide analytes. In particular, the first film employed in the methods and kits of the present invention is adapted for use with a sensitizer-labeled polynucleotide analyte or a sensitizer-labeled agent probative of the polynucleotide analyte.

Applicants submit that it would not be obvious to employ a film containing a polynucleotide analyte directly bound to a sensitizer-label in view of the claims of the '819 Patent. In fact, this would be contrary to the most common non-isotopic detection methods, which seek to detect labels on nucleic acid probes.

Applicants submit that the present application is now in condition for allowance. Should the Examiner have any questions regarding this response, she is encouraged to contact the undersigned agent.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gloria K. Szakiel", is written over a horizontal line.

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